

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**TONY HORTON,
Petitioner,**

v.

Case No. 12-C-0883

**LIZZY TEGELS, Warden,
New Lisbon Correctional Institution,
Respondent.**

ORDER

Habeas petitioner Tony Horton has requested leave to proceed in forma pauperis. However, although Horton asserts that he is indigent, he has not submitted either an affidavit supporting his assertion or a copy of his prison trust account statement. Thus, I cannot grant him leave to proceed in forma pauperis. See 28 U.S.C. § 1915(a)(1) (stating that in forma pauperis status may be granted only to those who submit an affidavit that includes a statement of all assets). Moreover, the filing fee for a habeas action is only \$5, and thus it is unlikely that Horton will qualify for pauper status.

Accordingly, Horton's motion to proceed in forma pauperis is **DENIED**. Horton shall pay the statutory filing fee of \$5 to the Clerk of Court for this district within **21 DAYS** of the date of this order. Failure to pay the filing fee within 21 days will result in dismissal of this action pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Dated at Milwaukee, Wisconsin this 24th day of September, 2012.

s/ Lynn Adelman

LYNN ADELMAN
District Judge